

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER P. SCHWEICKERT,

Plaintiff,

v.

HUNTS POINT VENTURES, INC.; HUNTS
POINT VENTURE GROUP, LLC; CHAD and
ELIZABETH RUDKIN, and their marital
community comprised thereof; JOHN DU
WORS and AMBER DU WORS, and their
marital community comprised thereof; and
DOES 1-4,

Defendants.

No. 13-cv-675-RSM

CHAD AND ELIZABETH RUDKIN'S
OBJECTION TO PLAINTIFF'S NOTICE
OF ERRATA REGARDING
PLAINTIFF'S MOTION FOR LEAVE
TO AMEND COMPLAINT

Noted for Hearing: February 28, 2014

OBJECTION

Defendants Chad and Elizabeth Rudkin (the "Rudkins") respectfully object to Plaintiff's October 15, 2014 Notice Of Errata Regarding Plaintiff's Motion For Leave To Amend Complaint ("Notice") and ask that the Court reject Plaintiff's purported changes to her proposed Second Amended Complaint.

As Plaintiff's counsel is well aware, the filing of *errata* is a method by which a party can correct errors. It is not a method by which a party can make large, substantive changes to previous pleadings. Plaintiff's Notice purportedly seeks to "correct certain omissions" and "clarify and more specifically address certain allegations" via wholesale substitution of her

RUDKIN DEFENDANTS OBJECTION TO
PLAINTIFF'S NOTICE OF ERRATA - 1
Case No. 13-CV-675

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

1 proposed Second Amended Complaint. As such, Plaintiff's purported "*errata*" is improper and
2 should be struck.

3 Furthermore, the Rudkins have already timely addressed the various deficiencies in
4 Plaintiff's proposed Second Amended Complaint, which was filed more than eight months ago.
5 Permitting Plaintiff to amend her proposed Second Amended Complaint eight months after the
6 noted hearing date would substantially prejudice the Rudkins, requiring them to substantively
7 respond to the amended pleading in its entirety.

8 Assuming for a moment that Plaintiff intends her *errata* to serve a proper purpose, the
9 Notice provides no insight into what errors Plaintiff seeks to correct, and Plaintiff's counsel has
10 ignored the Rudkins' request for an *errata* sheet listing those errors. Should the Court choose to
11 consider Plaintiff's Notice, the Rudkins request that Plaintiff be required to list each of the errors
12 she wishes to correct so that the Rudkins can respond accordingly.

13 DATED this 29th day of October, 2014.

14 FOSTER PEPPER PLLC

15 *s/s Joel B. Ard*

16 Joel B. Ard, WSBA # 40104

17 *s/s Rylan L.S. Weythman*

18 Rylan L. S. Weythman, WSBA # 45352

19 1111 Third Avenue, Suite 3400

20 Seattle, WA 98101

21 Tel: 206-447-6252

22 Fax: 206-749-2063

23 Email: ArdJB@Foster.com

24 WeytR@foster.com

25 RUDKIN DEFENDANTS OBJECTION TO
26 PLAINTIFF'S NOTICE OF ERRATA - 2
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CERTIFICATE OF SERVICE

I, Rylan L.S. Weythman, state that I am a citizen of the United States of America and a resident of the State of Washington, I am over the age of twenty-one years, I am not a party to this action, and I am competent to be a witness herein. I electronically filed the foregoing together with the Declaration of Joel B. Ard with the Clerk of the Court using the CM/ECF System, who will electronically send notification of such filing to all parties who have appeared in this action as of today's date.

I further served the foregoing via First Class U.S. Mail on counsel for Hunts Point Ventures, Inc. and Hunts Point Venture Group, LLC:

Diana Kay Carey, WSBA #16239
Karr Tuttle Campbell
701 Fifth Ave, Suite 3300
Seattle, WA 98104
Telephone: (206) 224-8066
E-Mail: decarey@kartuttle.com

There are no other parties who have appeared in this action as of today's date who need to be served manually.

I DECLARE under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 29th day of October, 2014.

s/s Rylan L.S. Weythman

Rylan L.S. Weythman

CERTIFICATE OF SERVICE
Case No. 13-CV-675

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